

AMENDED IN SENATE APRIL 12, 2016
AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1266

Introduced by Senator McGuire

February 18, 2016

An act to amend Section 6503.6 of, and to add Section 6503.8 to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1266, as amended, McGuire. Joint Exercise of Powers Act: agreements: filings.

The Joint Exercise of Powers Act generally authorizes 2 or more public agencies, by agreement, to jointly exercise any common power, which is generally termed a joint powers agreement. When a joint powers agreement provides for the creation of an agency or entity, separate from the parties to the agreement and responsible for its administration, existing law requires that agency or entity to cause a notice of the agreement or amendment to be prepared and filed, as specified, with the Secretary of State. Existing law requires an agency or entity that files a notice of agreement or amendment with the Secretary of State to also file a copy of the original joint powers agreement, and any amendments to the agreement, with the Controller.

This bill would require an agency or entity required to file documents with the Controller, as described above, that meets the definition of a joint powers authority or joint powers agency, as specified, that was formed for the purpose of providing municipal services, and that includes a local agency member, as specified, to also file a copy of the agreement or amendment to the agreement with the local agency formation commission in each county within which all or any part of a

local agency member's territory is located within ~~90~~ 30 days after the effective date of the agreement or amendment to the agreement. The bill would also require an agency or entity that meets the definition of a joint powers authority or joint powers agency, as specified, that was formed for the purpose of providing municipal services prior to the effective date of this act, and that includes a local agency member, as specified, to file a copy of the agreement and any amendments to the agreement with the local agency formation commission in each county within which all or any part of a local agency member's territory is located no later than July 1, 2017. *This bill would prohibit an agency or entity administering an agreement or amendment that has failed to make the required filings within the specified timeframes from issuing bonds or incurring any indebtedness until those filings have been made.*

By requiring specified joint powers agencies to file certain documents with a local agency formation commission, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6503.6 of the Government Code is
2 amended to read:
3 6503.6. (a) When an agency or entity files a notice of
4 agreement or amendment to the agreement with the office of the
5 Secretary of State pursuant to Section 6503.5, the agency or entity
6 shall file a copy of the full text of the original joint powers
7 agreement, and any amendment to the agreement, with the
8 Controller. An agency or entity that meets the definition of a joint
9 powers authority or joint powers agency under Section 56047.7
10 that was formed for the purpose of providing municipal services
11 and that includes a local agency member that is a city, district, or
12 county shall, within ~~90~~ 30 days after the effective date of the

1 agreement or amendment to the agreement, file a copy of the
2 agreement or amendment to the agreement with the local agency
3 formation commission in each county within which all or any part
4 of a local agency member's territory is located.

5 *(b) Notwithstanding any other provision of this chapter, any*
6 *agency or entity administering a joint powers agreement or*
7 *amendment to such an agreement, which agreement or amendment*
8 *becomes effective on or after the effective date of this section,*
9 *which fails to file the notice with a local agency formation*
10 *commission required by this section within 30 days after the*
11 *effective date of the agreement or amendment shall not thereafter,*
12 *and until those filings are completed, issue any bonds or incur*
13 *indebtedness of any kind.*

14 SEC. 2. Section 6503.8 is added to the Government Code, to
15 read:

16 6503.8. (a) No later than July 1, 2017, an agency or entity
17 that meets the definition of a joint powers authority or joint powers
18 agency under Section 56047.7 that was formed for the purpose of
19 providing municipal services prior to the effective date of this
20 section, and that includes a local agency member that is a city,
21 district, or county, shall cause a copy of the agreement and any
22 amendments to the agreement to be filed with the local agency
23 formation commission in each county within which all or any part
24 of a local agency member's territory is located.

25 *(b) Notwithstanding any other provision of this chapter, any*
26 *agency or entity administering a joint powers agreement or*
27 *amendment to such an agreement, which fails to file the notice*
28 *with a local agency formation commission required by this section*
29 *on or before July 1, 2017, shall not thereafter, and until those*
30 *filings are completed, issue any bonds or incur indebtedness of*
31 *any kind.*

32 SEC. 3. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.